



Express Mail No. EL684299747US
Attorney Docket No.: 102729-16 (AM100494)

**DECLARATION AND POWER OF ATTORNEY FOR
UNITED STATES LETTERS PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post-office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**EXPRESSION ANALYSIS OF SMARC NUCLEIC ACIDS
AND POLYPEPTIDES USEFUL IN THE DIAGNOSIS
AND TREATMENT OF PROSTATE CANCER**

the specification of which

is attached hereto.

was filed on: November 28, 2001

as Application No.: 09/997,424

and was amended on:
(*if applicable*).

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at Nutter, McClellan & Fish, LLP, One International Place, Boston, MA 02110-2699, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

no such foreign applications have been filed.

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS

(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

| Country | Application Number | Date of Filing (month, day, year) | Priority Claimed Under 35 USC 119 |
|---------|--------------------|--------------------------------------|--------------------------------------|
| | | | ____ Yes No _____ |
| | | | ____ Yes No _____ |
| | | | ____ Yes No _____ |
| | | | ____ Yes No _____ |
| | | | ____ Yes No _____ |

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

| |
|--|
| |
| |
| |
| |
| |

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATION(s)

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

no such U.S. provisional applications have been filed.

| Application Number | Date of Filing (month, day, year) | Priority Claimed Under 35 USC 119(e) |
|--------------------|--------------------------------------|--|
| 60/253,487 | 11/28/00 | <input checked="" type="checkbox"/> Yes No _____ |
| | | ____ Yes No _____ |
| | | ____ Yes No _____ |

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(s)

I hereby claim the benefit under Title 35, United States Code §120, of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United State Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

no such U.S./PCT applications have been filed.

| Application Number | Date of Filing (month,day,year) | Status (Patented/Pending/Abandoned) |
|--------------------|------------------------------------|--|
| | | |
| | | |
| | | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

| | | | |
|-----------------------|-----------------|--------------------|-----------------|
| Ronald E. Cahill | Reg. No. 38,403 | Lisa J. Michaud | Reg. No. 44,238 |
| Thomas J. Engellenner | Reg. No. 28,711 | Reza Mollaaghbabab | Reg. No. 43,810 |
| William C. Geary III | Reg. No. 31,359 | David J. Powsner | Reg. No. 31,868 |
| Tram Anh T. Nguyen | Reg. No. 47,257 | Herbert A. Newborn | Reg. No. 42,031 |
| Jasbir Sagoo | Reg. No. 51,177 | | |

all of Nutter McCennen & Fish, LLP, One International Place, Boston, Massachusetts 02110-2699, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

| | |
|---------------------|---|
| M. Andrea Ryan | Reg. No. 28,469 |
| Barbara A. Gyure | Reg. No. 34,614 |
| Albert Ubieta | Reg. No. 43,212 |
| Gavin Bogle | Limited Regognition Under 37 CFR §10.9(b) |
| Elizabeth A. Hurley | Reg. No. 41,859 |

all of American Home Products, 87 CambridgePark Drive, Cambridge, Massachusetts 02140, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

| | |
|-----------------------|-----------------|
| Egon E. Berg | Reg. No. 21,117 |
| Gale F. Matthews | Reg. No. 32,269 |
| Darryl L. Webster | Reg. No. 34,276 |
| Elizabeth M. Barnhard | Reg. No. 31,088 |
| Alan M. Gordon | Reg. No. 30,637 |

all of American Home Products, One Campus Drive, Parsippany, New Jersey 07054, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

| | |
|--------------------|-----------------|
| Rebecca R. Barrett | Reg. No. 35,152 |
| Arnold S. Milowsky | Reg. No. 35,288 |
| George Tarnowski | Reg. No. 27,472 |
| Steven R. Eck | Reg. No. 36,126 |
| Michael R. Nagy | Reg. No. 33,432 |

all of American Home Products, P.O. Box 8299, Philadelphia, Pennsylvania 19101, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

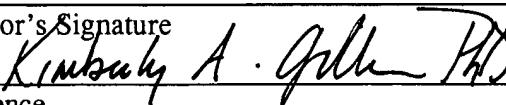
Express Mail No. EL684299747US
Attorney Docket No.: 102729-16 (AM100494)

Please mail correspondence to: Thomas J. Engellenner
at **Customer Number 021125**, whose address is:

Nutter McClellan & Fish, LLP
One International Place
Boston, Massachusetts 02110-2699

Please direct telephone calls to: Thomas J. Engellenner at (617)439-2948.

Please direct facsimiles to: (617)310-9948

| | |
|---|------------------|
| Full name of joint inventor Kimberly A. Gillis, Ph.D. | |
| Inventor's Signature  | Date 03-27-02 |
| Residence 203 Humphrey Street, Swampscott, MA 01907 | |
| Country of Citizenship USA | |
| Post Office Address (required) same as above | |

| | |
|--|------|
| Full name of joint inventor Yixian Zhang, Ph.D. | |
| Inventor's Signature | Date |
| Residence 115 Villa Road, Pearl River, NY 10965 | |
| Country of Citizenship PR CHINA | |
| Post Office Address (required) same as above | |

1053452.1



Express Mail No. EL684299747US
Attorney Docket No.: 102729-16 (AM100494)

**DECLARATION AND POWER OF ATTORNEY FOR
UNITED STATES LETTERS PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post-office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**EXPRESSION ANALYSIS OF SMARC NUCLEIC ACIDS
AND POLYPEPTIDES USEFUL IN THE DIAGNOSIS
AND TREATMENT OF PROSTATE CANCER**

the specification of which

is attached hereto.

was filed on: November 28, 2001

as Application No.: 09/997,424

and was amended on:
(if applicable).

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at Nutter, McCennen & Fish, LLP, One International Place, Boston, MA 02110-2699, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

no such foreign applications have been filed.

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS

(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

| Country | Application Number | Date of Filing (month, day, year) | Priority Claimed Under 35 USC 119 |
|---------|--------------------|--------------------------------------|--------------------------------------|
| | | | ____ Yes No ____ |
| | | | ____ Yes No ____ |
| | | | ____ Yes No ____ |
| | | | ____ Yes No ____ |
| | | | ____ Yes No ____ |

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

| |
|--|
| |
| |
| |
| |

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATION(s)

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

no such U.S. provisional applications have been filed.

| Application Number | Date of Filing (month, day, year) | Priority Claimed Under 35 USC 119(e) |
|--------------------|--------------------------------------|--|
| 60/253,487 | 11/28/00 | <input checked="" type="checkbox"/> Yes No ____ |
| | | ____ Yes No ____ |
| | | ____ Yes No ____ |

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(s)

I hereby claim the benefit under Title 35, United States Code §120, of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United State Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

no such U.S./PCT applications have been filed.

| Application Number | Date of Filing (month,day,year) | Status (Patented/Pending/Abandoned) |
|--------------------|------------------------------------|--|
| | | |
| | | |
| | | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

| | | | |
|-----------------------|-----------------|---------------------|-----------------|
| Ronald E. Cahill | Reg. No. 38,403 | Lisa J. Michaud | Reg. No. 44,238 |
| Thomas J. Engellenner | Reg. No. 28,711 | Reza Mollaaghbababa | Reg. No. 43,810 |
| William C. Geary III | Reg. No. 31,359 | David J. Powsner | Reg. No. 31,868 |
| Tram Anh T. Nguyen | Reg. No. 47,257 | Herbert A. Newborn | Reg. No. 42,031 |
| Jasbir Sagoo | Reg. No. 51,177 | | |

all of Nutter McCennen & Fish, LLP, One International Place, Boston, Massachusetts 02110-2699, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

| | |
|---------------------|---|
| M. Andrea Ryan | Reg. No. 28,469 |
| Barbara A. Gyure | Reg. No. 34,614 |
| Albert Ubieta | Reg. No. 43,212 |
| Gavin Bogle | Limited Regognition Under 37 CFR §10.9(b) |
| Elizabeth A. Hurley | Reg. No. 41,859 |

all of American Home Products, 87 CambridgePark Drive, Cambridge, Massachusetts 02140, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

| | |
|-----------------------|-----------------|
| Egon E. Berg | Reg. No. 21,117 |
| Gale F. Matthews | Reg. No. 32,269 |
| Darryl L. Webster | Reg. No. 34,276 |
| Elizabeth M. Barnhard | Reg. No. 31,088 |
| Alan M. Gordon | Reg. No. 30,637 |

all of American Home Products, One Campus Drive, Parsippany, New Jersey 07054, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

| | |
|--------------------|-----------------|
| Rebecca R. Barrett | Reg. No. 35,152 |
| Arnold S. Milowsky | Reg. No. 35,288 |
| George Tarnowski | Reg. No. 27,472 |
| Steven R. Eck | Reg. No. 36,126 |
| Michael R. Nagy | Reg. No. 33,432 |

all of American Home Products, P.O. Box 8299, Philadelphia, Pennsylvania 19101, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Express Mail No. EL684299747US
Attorney Docket No.: 102729-16 (AM100494)

Please mail correspondence to: Thomas J. Engellenner
at **Customer Number 021125**, whose address is:

Nutter McClellan & Fish, LLP
One International Place
Boston, Massachusetts 02110-2699

Please direct telephone calls to: Thomas J. Engellenner at (617)439-2948.

Please direct facsimiles to: (617)310-9948

| | |
|--|------|
| Full name of joint inventor Kimberly A. Gillis, Ph.D. | |
| Inventor's Signature | Date |
| Residence 203 Humphrey Street, Swampscott, MA 01907 | |
| Country of Citizenship USA | |
| Post Office Address (required) same as above | |

| | |
|--|------------------------|
| Full name of joint inventor Yixian Zhang, Ph.D. | |
| Inventor's Signature <i>Yixian Zhang</i> | Date <i>3/28/02</i> |
| Residence 115 Villa Road, Pearl River, NY 10965 | |
| Country of Citizenship PR CHINA | |
| Post Office Address (required) same as above | |

1053452.1